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Atty Docket No. 021756-018700US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Gregory J. VAUGHN

Group Art Unit 2178

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Gregory J. VAUGHN  
Technology Center/Art Unit: 2178**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

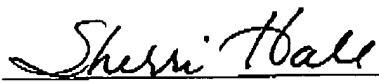
I hereby certify that the following documents in re Application of Christopher E. AXE, Application No. 09/636,418, filed August 10, 2000 for VISUAL CONFIGURATOR are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 CFR §1.181 (3 pages)
2. Docket Report (2 pages)

Number of pages being transmitted, including this page: 6

Dated: January 16, 2009

  
Sherri Hale

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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 925-472-5000  
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I hereby certify that this correspondence is being filed via  
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PATENT  
Attorney Docket No.: 021756-018700US

TOWNSEND and TOWNSEND and CREW LLP

By: Sherrill Hale

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Christopher E. AXE

Application No.: 09/636,418

Filed: August 10, 2000

For: VISUAL CONFIGURATOR

Customer No.: 51206

Confirmation No. 6284

Examiner: Gregory J. Vaughn

Technology Center/Art Unit: 2178

Petition to Withdraw Holding of  
Abandonment Based on Failure to Receive  
Office Action under 37 CFR §1.181

Examiner Gregory J. Vaughn  
Technology Center/Art Unit 2178  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition is in response to the Notice of Abandonment mailed January 7,  
2009. No fee is due for this petition.

Remarks/Arguments begin on page 2 of this paper.

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PATENT

Appl. No. 09/636,418  
Amdt. dated January 16, 2009  
Reply to Office Action of January 7, 2009. No fee is due  
for this petition.

### REMARKS/ARGUMENTS

It is respectfully submitted that the original Notice of Allowance and Fee(s) Due, indicated in PAIR to have been mailed by the USPTO on September 11, 2008, was never received at the correspondence address of record for the application. A search of the file jacket, application contents, and docket report indicates that the Notice of Allowance was not received. A docket report was run on January 15, 2009, the same day the Notice of Abandonment was received, which shows that the Notice of Allowance was not received and docketed, as there is no entry indicating that an issue fee was due at any time. The docket report matches the file, showing that the last known correspondence in the case was the Response to Decision on Appeal filed June 16, 2008 (the due date of June 15, 2008, fell on a Sunday such that the response was timely filed). A copy of this docket/status report is attached hereto. The docketing system is reliable, and if the Notice of Allowance had been received then the record would reflect the due date for payment of the issue fee, along with information including the application number and attorney docket number.

### CONCLUSION

Applicant believes that no fee is required for submission of this petition. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

In view of the foregoing, Applicants request that the holding of abandonment be withdrawn and the Notice of Allowance remailed.

Appl. No. 09/636,418

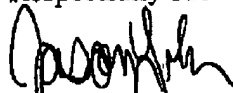
PATENT

Amdt. dated January 16, 2009

Reply to Office Action of January 7, 2009. No fee is due  
for this petition.

If it is believed that a telephone conference would expedite issuance of this  
application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
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Attachment  
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## PATENT PROPERTY PORTFOLIO REPORT

PREPARED FOR

Oracle International Corporation  
Patent, Trademark and Copyright Group  
500 Oracle Parkway  
Redwood Shores, California 94065

PREPARED BY

## TOWNSEND AND TOWNSEND AND CREW LLP

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January 15, 2009

*This portfolio contains a snapshot of some, but not all, docket items in the "Status and remarks" column. DO NOT use this report as a docket. There are separate docket reports for that purpose.*

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PATENT PROPERTY STATUS REPORT

TTC Ref Country ATTY(s) Handling (DBR JDL (WLS))	Client's Ref	Title	Inventor	Application No. Filing Date	Patent No. Issue Date	Status Remarks
021756-018700US DBR JDL (WLS)	OTD-2005-279- 01	Visual Configurator	Axc, Christopher E. Casalaina, Maroon S.	09/636418 08/10/2000		Pending  Response to Final Office Action: 04/27/2005 **Completed** Appeal Brief: 06/27/2005 **Completed** Response-1 mo. Office Action: 10/14/2005 **Completed** Reply Brief: 04/10/2006 **Completed** Reply Brief: 03/08/2007 Reply Brief: 06/02/2007 Response: 06/15/2008 **Completed**